

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ALBERT EDWARD BROOKE,

Petitioner,

v.

3:06-cv-253

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM AND ORDER**

Petitioner has filed a pleading styled a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, and an application to proceed *in forma pauperis*. The petitioner attacks the legality of his confinement under judgments of conviction entered by the Criminal Court for Carbon County, Pennsylvania. His case therefore should be brought as a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 and will be treated as such.

Under the circumstances, petitioner's application to proceed *in forma pauperis* is **GRANTED**. 28 U.S.C. § 2241(d) grants discretion to this court to transfer petitioner's application for the writ of habeas corpus to the district court for the district in which petitioner was tried and convicted. Carbon County, Pennsylvania, is within the Middle

District of Pennsylvania. 28 U.S.C. § 118(b). Accordingly, in the interests of justice, judicial economy and convenience of the parties and witnesses, the Clerk is **DIRECTED** to transfer this action to the United States District Court for the Middle District of Pennsylvania, pursuant to 28 U.S.C. § 2241(d).

**E N T E R:**

s/ Thomas W. Phillips  
United States District Judge